

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRICKLAYERS AND ALLIED CRAFT	:	
UNION LOCAL NO. 1 OF DE/PA	:	
WELFARE FUND, et al.	:	
	:	
Plaintiffs,	:	Civil Action No.
	:	07- 145 (GMS)
	:	
v.	:	
	:	
EDWARD WILKINSON CO., INC.	:	
	:	
Defendant.	:	

CERTIFICATION OF COUNSEL

1. On April 15, 2008, the Court held a hearing with respect to the Plaintiffs' Motion for Entry of Judgment by Default. At the conclusion of the hearing the Court directed that the plaintiffs submit a revised proposed form of order reflecting the amounts due as of the date of the hearing.

2. Attached hereto as Exhibit "A" is a proposed form of order reflecting the amounts currently due to the plaintiffs from the defendant.

3. Attached hereto as Exhibit "B" is the Declaration of Jennifer L. Hope, Esquire supporting the amount of attorneys fees set forth in the proposed form of order.

WHEREFORE the plaintiffs respectfully request that the Court enter the proposed form of order as the judgment of the Court.

FERRY, JOSEPH & PEARCE, P.A.

BY: /s/Rick S. Miller
RICK S. MILLER, ESQUIRE
BAR IDENTIFICATION NO. 3418
824 Market Street, Suite 904
P.O. Box 1351
Wilmington, Delaware 19899
(302) 575-1555
Attorney for Plaintiffs

Dated: April 17, 2008

OF COUNSEL:

JENNIFER L. HOPE, ESQUIRE
Jennings Sigmond, P.C.
510 Walnut Street, Suite 1600
Philadelphia, PA 19106
(215) 351-0617

CERTIFICATE OF SERVICE

I, RICK MILLER, ESQUIRE, state under penalty of perjury that the foregoing
Certification of Counsel was served by mailing same first class mail, postage pre-paid on the
date below addressed to:

EDWARD WILKINSON CO., INC.
90 Blue Hen Drive
Newark, DE 19713

/s/Rick S. Miller
RICK MILLER, ESQUIRE (#3418)

Date: April 17, 2008

2. Interest on the unpaid contributions and contributions paid past the due date through April 15, 2008 in the amount of \$42,025.59;

3. Liquidated damages in the amount of \$32,524.67;

4. Pay stub shortages in the amount of \$7,072.73 and

5. Attorneys' fees and costs in the amount of \$10,866.33 through April 15, 2008.

ORDERED that Company shall, within fifteen (15) days from the entry of this Order, submit to the Administrator of the Funds any and all overdue remittance reports addressed to: David Puchalski, GEM Group, Brandywine Corporate Center, 650 Naamans Road, Suite 303, Claymont, DE 19703. Company, its owners, officers, agents, servant, attorneys, and all persons acting on their behalf or in conjunction with them shall be and hereby are restrained and enjoined from refusing to file complete, proper and timely remittance reports with accompanying benefit contributions for all periods for which Company is obligated to do so under the collective bargaining agreement(s).

ORDERED that the Funds shall have the right to conduct an audit of books and records for all relevant periods (i.e., the period of time in which Company is obligated to make fringe benefit contributions to the Funds). Within fifteen (15) days from the date of this Order shall submit to an audit by contacting David Puchalski, GEM Group, Brandywine Corporate Center, 650 Naamans Road, Suite 303, Claymont, DE 19703, to make arrangements for the audit. Company, its owners, officers, agents, servants, employees and all persons acting on Company's behalf or in conjunction with Company, shall be and are hereby restrained and enjoined from failing and refusing to submit to this audit and any future audits and shall produce all books and records requested by the auditor and/or the Trustees of the Funds, including, but not limited to, payroll, wage, general ledger and cash disbursement records, compensation insurance audits, and

any other pertinent records deemed necessary for the purpose of ascertaining and/or verifying payments and/or liabilities to the Funds. Company shall pay to the Funds the cost of the audit together with any additional amounts found owing, plus such other amounts as set forth in the collective bargaining agreement, the trust agreements, ERISA and applicable law.

ORDERED that if further action by Plaintiff to enforce this judgment is required, Plaintiff may apply to this Court or to the Court in which enforcement is sought for further reasonable attorneys' fees and costs in addition to those set out in ¶ 5 above. See, Trucking Employees of North Jersey Welfare Fund, Inc. v. Bellezza Co., 57 Fed. Appx. 972 (3d Cir. 2003); Free v. Briody, 793 F.2d 807 (7th Cir. 1986); Sheet Metal Workers Health and Welfare Trust Fund v. Big D Service Co., 867 F.2d 852 (10th Cir. 1989).

ORDERED that if the unpaid contributions set out in ¶ 1 above are not paid in full by October 31, 2007, Plaintiff may apply to this Court or to the Court in which enforcement is sought for interest on the unpaid contributions which shall accrue under 29 U.S.C. § 1132(g)(2)(C)(i) and 26 U.S.C. § 6621 from April 15, 2008 until the date they are paid.

ORDERED that if Company fails to comply with any of the terms of this Order, Plaintiffs may, in addition to pursuing the remedies provided under Federal Rule of Civil Procedure 69, reopen this case upon motion to this Court and notice to Company, and may at that time ask for further appropriate monetary and/or injunctive relief.

DATE: _____

BY: _____
J. Gregory M. Sleet
United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

BRICKLAYERS AND ALLIED CRAFTS	:	
UNION LOCAL NO. 1 OF DE/PA WELFARE	:	
FUND, et al.	:	
	:	Civil Action No. 07- 145 (GMS)
Plaintiffs	:	
	:	
v.	:	
	:	
EDWARD WILKINSON CO., INC.	:	
	:	
Defendant	:	

DECLARATION OF JENNIFER L. HOPE, ESQUIRE

Jennifer L. Hope, Esquire, states under penalty of perjury that the following is true and correct.

1. I am employed as an associate with the law firm of Jennings Sigmond, P.C and I and I presently serve as counsel to the Plaintiffs in this matter.

2. Attached to this Declaration as Exhibit 1 is a computerized billing list showing all work performed by the offices of Jennings Sigmond, P.C. and related costs in connection with the collection of the contributions at issue in this action through March 31, 2008. The computerized listing is prepared from contemporaneous attorney time and expense records, the originals of which are maintained in the regular business records of Jennings Sigmond, P.C.

The identities of those persons performing services connected with this matter are as follows:

<u>INITIALS</u>	<u>NAME</u>	<u>TITLE</u>
JLT	Jessica L. Tortella	Attorney
JLH	Jennifer L. Hope	Attorney
SMC	Shanna M. Cramer	Attorney
CTM	Catherine T. Morton	Paralegal
PL	Philip Lozano	Attorney
EAC	Elizabeth A. Coleman	Attorney

3. Attached to the Motion as Exhibit 2 is a supplemental list showing all work performed by the offices of Jennings Sigmond, P.C. and related costs in connection with the collection of the contributions at issue in this action through April 15, 2008.

3. Based upon my review of Exhibit 1 and 2, the Funds have incurred \$10,866.33, in attorneys' fees and costs.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 16, 2008


JENNIFER L. HOPE, ESQUIRE

Jennings Sigmund, P.C. Time And Expense Details

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Client	Client Reporting Name	Matter	Matter Reporting Name	Billing Timekeeper
BRKD10	Bricklayers Local 1 - Dela.	28699	Edward J. Wilkinson Co., Inc.	Sigmund, Richard B.

Unbilled Time	Date	Timekeeper	Hours Worked	Hours To Bill	Rate	Amount	Task	Activity	Narrative
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3/3/2008 JLH 0.30 0.30 250.00 \$75.00

Check Docket
Phone Conference with Company regarding Settlement
Review and Revision of Litigation Status Report

3/26/2008 JLH 0.60 0.60 250.00 \$150.00

Check Docket
Office Conference with Attorney regarding Default Judgment
Preparation of Status Report to Court
Preparation of Correspondence to Local Counsel regarding Filing of Status Report
Memo to File

3/26/2008 SMC 0.20 0.20 250.00 \$50.00
3/27/2008 JLH 0.20 0.20 250.00 \$50.00

Office Conference regarding Status Request
Review of Docket
Review of Correspondence from Local Counsel
Memo to File

3/28/2008 JLH 1.50 1.50 250.00 \$375.00

Review of Correspondence from Local Counsel regarding Order
Review of Order Scheduling Hearing on Damages
Preparation of Pro Hac Motion
Phone Conference with Tim Shellen
Preparation of Correspondence to Client regarding Hearing
Memo to File
Review of Delaware Rules
Review of File

3/31/2008 JLH 1.30 1.30 250.00 \$325.00

Totals 4.10 4.10 \$1,025.00

Billed Expenses	Date	Amount	Exp Code	Narrative
Billed Expenses	4/3/2008	\$25.00	7100	Fee for Pro Hac Vice Admission in Delaware

Totals \$25.00

Billed Time	Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
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1/18/2007 JLT 0.20 0.20 230.00 \$46.00

Office Conference with Attorney R. Sigmund
Phone Conference with D. Puchalski

1/29/2007 JLT 0.80 0.80 230.00 \$184.00

Preparation of Correspondence to V. Ledgerwood
Review of Documents

1/30/2007 JLT 0.90 0.90 230.00 \$207.00

Review of File
Memo to File
Computer Research Regarding Dunn & Bradstreet

Jennings Sigmund, P.C. Time And Expense Details

Billed Time	Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
2/6/2007	JLT		1.90	1.90	230.00	\$437.00			Review of File Preparation of Complaint Preparation of Memo to Client Computer Research Regarding Company Status Review and Revision of Complaint
2/14/2007	JLT		0.60	0.60	230.00	\$138.00			Computer Research for Corporate Documents regarding E. Wilkinson Company
2/15/2007	CTM		0.40	0.40	90.00	\$36.00			Preparation of Correspondence to T. Snyder
2/19/2007	JLT		0.30	0.30	230.00	\$69.00			Preparation of Correspondence to J. Miller
3/12/2007	JLT		0.60	0.60	230.00	\$138.00			Preparation of Correspondence to R. Miller (x3)
3/13/2007	JLT		0.80	0.80	230.00	\$184.00			Review of Correspondence from R. Miller (x3) Phone Conference with R. Miller (x3) Preparation of Correspondence to R. Miller (x5) Review of Correspondence from R. Miller (x5) Phone Conference with D. Puchalski Preparation of Correspondence to V. Ledgerwood Review of Correspondence from V. Ledgerwood Preparation of Correspondence to D. Puchalski Review of Correspondence from D. Puchalski Phone Conference with J. Miller (x5) Review of Trust Documents Preparation of Amended Complaint Preparation of Correspondence to D. Puchalski
3/14/2007	JLT		0.90	0.90	230.00	\$207.00			
4/4/2007	JLT		1.10	1.10	250.00	\$275.00			
4/5/2007	JLT		0.30	0.30	250.00	\$75.00			
05/07/2007	Post Date	Status	Current Period	Entry Date	Original Post Period	Original Post Year			Review of Correspondence from D. Puchalski Review of Delinquency Update Review of Correspondence from V. Ledgerwood Preparation of Correspondence to V. Ledgerwood
05/07/2007	Post Date	Status	Current Period	04/05/2007	5	2007			
4/9/2007	JLT		0.30	0.30	250.00	\$75.00			Review of Correspondence from R. Miller Memo to File
05/07/2007	Post Date	Status	Current Period	04/09/2007	5	2007			
4/13/2007	JLT		0.50	0.50	250.00	\$125.00			Review of Bill from Local Counsel Preparation of Letter to S. Ernsberger
05/07/2007	Post Date	Status	Current Period	04/13/2007	5	2007			

Jennings Sigmund, P.C. Time And Expense Details

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Billed Time	Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
4/30/2007	JLT		0.60	0.60	250.00	\$150.00			Preparation of Correspondence to R. Miller (x4) Review of Correspondence from R. Miller (x4) Review of Docket
	<u>Post Date</u>	<u>Status</u>	<u>Current Period</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>			
	05/07/2007			04/30/2007	5	2007			
5/1/2007	JLT		0.50	0.50	250.00	\$125.00			Preparation of 55(a) Preparation of Correspondence to R. Miller Review of Correspondence from R. Miller Memo to File
6/15/2007	EAC		0.10	0.10	250.00	\$25.00			Review of Statement of Employer Status
8/2/2007	EAC		3.60	3.60	250.00	\$900.00			Preparation of Motion for Default Judgment Preparation of Correspondence to V. Ledgerwood (2x) Review of E-Mail from V. Ledgerwood Review of E-Mail from V. Ledgerwood Preparation of Correspondence to V. Ledgerwood Preparation of Correspondence to Local Counsel regarding Local Counsel Invoice Phone Conference with Local Counsel Office regarding Invoice Review of E-Mail from V. Ledgerwood Preparation of Correspondence to V. Ledgerwood Review of Delinquency Report Preparation of Correspondence to V. Ledgerwood Preparation of Correspondence to Local Counsel regarding Local Counsel Invoices Review of Correspondence from V. Ledgerwood Preparation of Litigation Status Report Pacer
8/3/2007	EAC		0.30	0.30	250.00	\$75.00			
8/7/2007	EAC		0.10	0.10	250.00	\$25.00			
8/8/2007	EAC		0.40	0.40	250.00	\$100.00			
8/13/2007	EAC		0.10	0.10	250.00	\$25.00			
9/10/2007	EAC		0.80	0.80	250.00	\$200.00			
9/12/2007	PL		0.30	0.30	230.00	\$69.00			Preparation of Motion for Default Judgment Office Conference Regarding 55(b) Review of Documents Regarding Same Preparation of Exhibits Regarding Motion for Default Judgment Correspondence Exchange with V. Ledgerwood Regarding Same Preparation of Order Preparation of 55(b) Motion Preparation of Exhibits Regarding Motion for Default Judgment Review of Delinquency Report Office Conference with Attorney E. Coleman
9/13/2007	PL		1.20	1.20	230.00	\$276.00			
9/14/2007	PL		2.50	2.50	230.00	\$575.00			
9/14/2007	EAC		1.50	1.50	250.00	\$375.00			Conference with Attorney P. Lozano Review of Puchalski Affidavit Review of Motion for Default Judgment Preparation of Correspondence to V. Ledgerwood

Jennings Sigmund, P.C. Time And Expense Details

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Billed Time	Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative
9/17/2007	EAC		0.20	0.20	250.00	\$50.00			Review of Correspondence from V. Ledgerwood Preparation of Correspondence to V. Ledgerwood Preparation of Correspondence to Attorney P. Lozano Phone Conference with Client Regarding Signature Page of CBA Review of Correspondence Exchange with V. Ledgerwood Review of Correspondence from V. Ledgerwood Preparation of Correspondence to V. Ledgerwood Conference with Attorney P. Lozano Memo to File
9/17/2007	PL		0.40	0.40	230.00	\$92.00			Review of File Review and Revision of Default Motion Review and Revision of Default Motion Letter to Client Memo to File
9/19/2007	EAC		0.10	0.10	250.00	\$25.00			Review and Revision of 55(b) (Declarations) Preparation of Correspondence to D. Puchalski Review and Revision of Motion Prepare Exhibits Preparation of Correspondence to Attorney R. Millar, Local Counsel Review of Motion for Default Judgment Conference with Attorney J. Hope Preparation of Correspondence to D. Puchalski Preparation of Exhibits (55(b)) Preparation of Exhibits Letter to Client regarding Local Counsel Billing
9/24/2007	EAC		0.10	0.10	250.00	\$25.00			
10/17/2007	JLH		1.50	1.50	250.00	\$375.00			
10/18/2007	JLH		1.50	0.00	0.00	\$0.00			
10/23/2007	JLH		1.20	0.00	0.00	\$0.00			
10/24/2007	JLH		1.20	1.20	250.00	\$300.00			
10/24/2007	EAC		1.20	1.20	250.00	\$300.00			
10/25/2007	JLH		0.40	0.40	250.00	\$100.00			
10/26/2007	JLH		0.60	0.60	250.00	\$150.00			
11/6/2007	JLH		0.10	0.10	250.00	\$25.00			
11/30/2007	Post Date	Status	Current Period	Entry Date	Original Post Period	Original Post Year			
11/19/2007	JLH		0.10	0.10	250.00	\$25.00			Printed All Pleadings for File Review Contribution Report Local Counsel Billing Preparation of Correspondence to Scott Ernsberger Conference with Attorney R. Sigmund, Review Docket, Re-Calculatate Damages, Preparation of Settlement Sheets/Calculation; Preparation of Correspondence for V. Ledgerwood
12/3/2007	JLH		0.10	0.10	250.00	\$25.00			
12/18/2007	JLH		0.20	0.20	250.00	\$50.00			
1/14/2008	JLH		1.80	1.80	250.00	\$450.00			
1/31/2008	Post Date	Status	Current Period	Entry Date	Original Post Period	Original Post Year			
1/15/2008	JLH		0.20	0.20	250.00	\$50.00			Review of Correspondence from V. Ledgerwood (2x); Preparation of Correspondence for V. Ledgerwood (2x)
01/31/2008	Post Date	Status	Current Period	Entry Date	Original Post Period	Original Post Year			
01/31/2008	Post Date	Status	Current Period	01/15/2008	1	2008			



Jennings Sigmund, P.C. Time And Expense Details

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Billed Time									
Date	Timekeeper	Hours Worked	Hours On Bill	Rate	Amount	Task	Activity	Narrative	
1/18/2008	JLH	1.60	1.60	250.00	\$400.00			Wilkinson - Review of Correspondence from V. Ledgerwood RE: Updated Delinquencies; Memo to File; Preparation of Correspondence . re: Discrepancy in delinquencies	
	<u>Post Date</u>	<u>Status</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>				
01/31/2008		Current Period	01/18/2008	1	2008				
1/21/2008	JLH	0.50	0.50	250.00	\$125.00			Preparation of Correspondence for Attorney R. Sigmund RE: Settlement Figures; Review of Correspondence from Attorney R. Sigmund Calculate Settlement Payments; Conference with Attorney P. Lozano; re Calculations of Interest	
	<u>Post Date</u>	<u>Status</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>				
01/31/2008		Current Period	01/21/2008	1	2008				
1/24/2008	JLH	0.10	0.10	250.00	\$25.00			Review of Correspondence from V. Ledgerwood	
	<u>Post Date</u>	<u>Status</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>				
01/31/2008		Current Period	01/24/2008	1	2008				
1/24/2008	JLH	0.80	0.80	250.00	\$0.00			Review of Correspondence from V. Ledgerwood; Revise Company Status Report; Preparation of Settlement Schedules	
2/1/2008	JLH	0.20	0.20	250.00	\$50.00			Preparation of Correspondence RBS Regarding Status of Wilkinson Settlement	
2/14/2008	JLH	0.30	0.30	250.00	\$75.00			Review of Correspondence Regarding Status of Wilkinson Settlement	
2/19/2008	JLH	0.10	0.10	250.00	\$25.00			Review of Correspondence from V. Ledgerwood	
								Review of Correspondence from D. Pulchalski	
								Check Docket	
Billed Time									
Totals		36.10	33.40		\$7,858.00				
Billed Expenses									
Date	Amount	Exp Code	Narrative						
11/17/2007	\$13.53	SD	Special Delivery						
12/1/2007	\$219.80	7100	Check sent to Jennings Sigmund in error. Should have gone to Ferry, Joseph and Pearce, P.A. for Local Council bill. The check was already deposited in Jennings Account therefore we cut a check and sent it to Ferry, Joseph on Dec.27, 2007. Check # 37926						
	<u>Post Date</u>	<u>Status</u>	<u>Entry Date</u>	<u>Original Post Period</u>	<u>Original Post Year</u>				
01/11/2008		Current Period	12/01/2007	12	2007				
Billed Expenses									
Totals	\$233.33								

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Jennings Sigmund, P.C. Time And Expense Details

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	Hours Worked	Hours To Bill	Fee Amount	Expense Amount	Total Amount
Report Totals	40.20	37.50	\$8,883.00	\$258.33	\$9,141.33
*** End Of Report ***					

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE (WILMINGTON)**

BRICKLAYERS AND ALLIED CRAFTS	:	
UNION LOCAL NO. 1 OF DE/PA WELFARE	:	
FUND, et al.	:	
	:	Civil Action No. 07- 145 (GMS)
Plaintiffs	:	
	:	
v.	:	
	:	
EDWARD WILKINSON CO., INC.	:	
	:	
Defendant	:	

JENNINGS SIGMOND ATTORNEYS' FEES – APRIL 2008

JLH = Jennifer L. Hope

Date	Attorney	Task	Time
4/03/08	JLH	Preparation of letter to Company Preparation of correspondence to V.Ledgerwood re: Updated damage calculations Preparation of correspondence to C. Mascussi re: same	0.7
4/04/08	JLH	Preparation of letter to Attorney re: Pro Hac admission Memo to file	0.4
4/09/08	JLH	Review correspondence from client re: damages Preparation of correspondence to client re: same	0.2
4/11/08	JLH	Review updated damages Preparation of Correspondence re: same	0.5
4/14/08	JLH	Review updated employer status record Phone conference with D. Puchalski regarding Hearing Preparation for hearing Preparation of Correspondence to local counsel Preparation of Updated Attorneys Fees and Costs Preparation of Revised Order	1.3

4/15/08	JLH	PO Examination of witness	3.8
		Preparation of Exhibits	
		Conference with client	
		Conference with local counsel and client	
		Attend hearing in Wilmington, DE	
		TOTAL	6.9

Summary

6.9 Hrs. x \$250 /hour	=	\$ 1725.00
01/07-03/08 Total	=	\$ 8,883.00
<u>Fees through 03/08</u>	=	<u>\$ 258.33</u>
TOTAL	=	\$10,866.33